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2
3 BILL NO. R-76-10-04

4 RESOLUTION NO. R-81-76

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6 A RESOLUTION authorizing the issuance and sale of
7 \$800,000 Economic Development First Mortgage Revenue
8 Bonds, (Mullinix Packages, Inc. Project) of the City
9 of Fort Wayne, Indiana, for the purpose of acquiring
10 by purchase and construction real estate, machinery,
11 equipment and related property comprising economic
12 development facilities for lease with options to
purchase to Mullinix Packages, Inc. authorizing the
execution of the Lease Agreement; providing for the
pledge of revenues for the payment of said Bonds;
authorizing a Mortgage and Indenture of Trust appropriate for the protection and disposition of such
revenues; and authorizing the sale of said bonds.

13 WHEREAS, the City of Fort Wayne, Indiana (hereinafter
14 called the "City") is a municipal corporation and political
15 subdivision of the State of Indiana and by virtue of IC 1971,
16 18-6-4.5-1 through 18-4.5-28, inclusive, as amended (herein-
17 after called the "Act") is authorized and empowered to acquire
18 economic development facilities as those words are defined in
19 the Act and to make such facilities available to others to
20 overcome insufficient employment opportunities and insufficient
21 diversification of industry in and near the City to promote
the general economic welfare of the area in and near the City
and to issue its economic development revenue bonds to pay all
costs of purchase or construction of such economic development
facilities including engineering, legal fees, and all other
expenses related thereto during construction, including the
costs of issuing the bonds and to secure said bonds by a trust
indenture creating a security interest in such economic devel-
opment facilities; and

22 WHEREAS, Mullinix Packages, Inc. (the "Company") is a cor-
23 poration duly organized under the laws of the State of Indiana,
qualified to do business within the State of Indiana; and

24 WHEREAS, the Company has agreed to construct economic
25 development facilities and thereby create new employment
26 opportunities and provide diversification of industry in and
27 near the area of the City and to pay the principal of and
interest and premium on the economic development revenue
bond hereinafter authorized; and

28 WHEREAS, the Common Council of the City (the "Common
29 Council") has heretofore by Special Ordinance No. S-19-72 and
30 pursuant to IC 1971, 18-6-4-1 through 18-6-4-28, inclusive,
31 created the Fort Wayne Economic Development Commission which by
32 virtue of the Act has become the Fort Wayne Development Com-
33 mission (the "Commission") and the members of the Commission
34 have been duly appointed and qualified pursuant to law and
35 the Commission has organized and undertaken the duties imposed
upon it by the Act and has found by written resolution that
because of existing insufficient employment opportunities and
insufficient diversification of industry, the economic welfare
of the City would be benefited by the financing of the con-
struction of economic development facilities by the Company;
and

WHEREAS, the Commission has by such resolution approved a report estimating the public services which would be made necessary or desirable, the expense thereof, the number of jobs, the estimated payroll on account of the acquisition of the economic development facilities and the cost of construction of the economic development facilities and has submitted such report to the Plan Commission of the City of Fort Wayne; and

WHEREAS, said Plan Commission, upon receiving the report of the Commission, has formulated written comments concerning such estimate and have transmitted those comments to the Commission within the time provided by law; and

WHEREAS, after giving notice in accordance with the Act, the Commission held a public hearing on the proposed financing and adopted a resolution finding the proposed financing complies with the Act, approving the financing and approving the form and terms of the economic development revenue bonds proposed to be issued by the City to pay a portion of the cost of such facilities, the Lease Agreement, Mortgage and Indenture of Trust, which resolution and other instruments and information pertaining to the proposed financing have been transmitted to the Common Council of the City by the Secretary of the Commission; and

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

SECTION 1. Public Benefits. The Common Council of the City hereby finds and determines that the real estate, machinery, equipment and other facilities in connection therewith (the "Project") to be acquired in part with the proceeds of the Economic Development Revenue Bond (Mullinix Packages, Inc. Project) herein authorized for lease to Company are "economic development facilities" as that phrase is used in the Act and that the utilization of the property in the creation and location of the Project is economically sound, will increase employment opportunities and increase diversification of industry in and near the City, will improve and promote the economic stability, development and welfare of the area in and near the City and will encourage and promote the expansion of industry, trade and commerce in the area in and near the City and the location of the other new industries in such area.

SECTION 2. Findings. The Common Council hereby finds that this resolution (the "Bond Resolution") is of public benefit to the economic welfare of the City, by tending to overcome the deficiencies previously found to exist, to-wit insufficient employment opportunities and insufficient diversification of industry, and recreation facilities, and that such benefit is greater than the cost of public facilities (as that phrase is defined in the Act), which will be required by the Project.

SECTION 3. Authorization of \$800,000 Economic Development First Mortgage Revenue Bonds. In order to pay a portion of the costs of acquiring the Project, there are hereby authorized to be issued, sold and delivered the \$800,000 aggregate principal amount Economic Development First Mortgage Revenue Bonds (Mullinix Packages, Inc. Project) of the City.

SECTION 4. Definitions. In addition to the words and terms defined in this Bond Resolution, the words and terms used in this Bond Resolution shall have the meanings set forth in the Mortgage and Indenture of Trust and the Lease Agreement and unless the context or use indicates another or different meaning or intent and the form of the Bond and the form of the Lease Agreement and Mortgage Indenture of Trust, which forms are before this meeting are hereby incorporated by reference in this Bond Resolution and the Clerk is hereby directed to insert them into the minutes of the Common Council to keep them on file.

SECTION 5. Terms for the Bonds. The total principal amount of Bonds that may be issued is hereby expressly limited to \$800,000, provided, however, that Additional Bonds may be issued as hereinafter provided.

The Bonds shall be subject to redemption prior to maturity upon the terms and as provided in the Mortgage and Indenture of Trust.

The Bonds shall be executed on behalf of the City with the official manual or facsimile signature of the Mayor and attested with the official manual or facsimile signature of the Clerk and shall have impressed or imprinted thereon the corporate seal of the City. The coupons attached to the Bonds, if any, shall be executed by the facsimile of the official signatures of the Mayor and Clerk and such facsimile on any Bond or coupons shall have the same force and effect as if manually signed by such officer. The Bonds together with interest thereon, shall be limited obligations of the City payable solely from the revenues and other amounts derived from the Project (except to the extent paid out of moneys attributable to the Bond proceeds or the income from the temporary investment thereof and under certain circumstance proceeds from insurance and condemnation awards) and shall be a valid claim of the respective holders thereof only against the Bond fund created under the Mortgage and Indenture of Trust and other moneys held by the Trustee and of the Project (but in addition shall be secured by a first mortgage lien on the Project), which revenues and other amounts shall be pledged and secured under the Mortgage and Indenture of Trust for the equal and ratable payment of the Bonds and shall be used for no other purpose than to pay the principal of, premium, if any, and the interest on the Bonds except as may be otherwise expressly authorized in the Mortgage and Indenture of Trust. The Bonds and the interest thereon shall never constitute a charge against the general credit or taxing power of the City. In case any officer whose signature or facsimile of whose signature shall appear on the Bonds or coupons shall cease to be such officer before the delivery of such Bonds such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office under delivery.

SECTION 6. Additional Bonds. The City may authorize the issuance of Additional Bonds upon the terms and conditions provided the same rank as the Bonds, but shall bear such date or dates, bear such interest rate or rates, have such maturity dates, redemption dates and redemption premiums, and be issued at such prices as shall be approved in writing by the City and the Company.

SECTION 7. Sale of the Bonds. The Mayor and Clerk of the City are hereby authorized and directed to sell the Bonds. The Mayor is hereby authorized to execute and the Clerk is hereby authorized to attest, an Underwriting Agreement with the Underwriters providing for the sale of the Bonds on terms consistent with the Bond Resolution, and the Clerk is hereby directed to insert a copy of the Underwriting Agreement, in the form submitted to this meeting and approved hereby, in the minutes of this Common Council and to certify thereon that the same is the form of such instrument submitted to this Common Council approved hereby, and identified herein as the Underwriting Agreement, and to keep the same on file.

SECTION 8. Mortgage and Indenture of Trust. In order to secure the payment of the principal of and interest on the Bonds, the Mayor and Clerk shall execute, acknowledge and deliver in the name and on behalf of the City, a Mortgage and Indenture of Trust in the form submitted to this Common Council, which is hereby approved in all respects; and the Clerk is hereby directed to insert a copy thereof in the form submitted to this Common Council, which is hereby approved in all respects; and the Clerk is hereby directed to insert a copy thereof in the form submitted to this meeting and approved hereby, in the minutes of this Common Council and to certify thereon that the same is the form of Mortgage and Indenture of Trust so submitted to this Common Council and approved by the Bond Resolution and identified herein as the Mortgage and Indenture of Trust and to keep such Mortgage and Indenture of Trust on file. Said Mortgage and Indenture of Trust contains provisions authorized and permitted by the Act, and this Bond Resolution shall constitute a part hereof as therein provided and for all purposes of said Mortgage and Indenture of Trust, including the provisions thereof relating to amendments and the severability of provisions of the Mortgage and Indenture of Trust.

SECTION 9. General. The Mayor and Clerk be and they are each hereby authorized and directed, in the name of and on behalf of the City to execute any and all instruments, perform any and all acts, approve any of them, to be necessary or desirable in order to carry out the purposes of this Bond Resolution (including the preambles hereto), the acquisition of the Project by the Company, the issuance and sale of the Bond and the securing of the Bond under the Mortgage and Indenture of Trust.

All documents before this meeting, including the Mortgage and Indenture of Trust and the Lease Agreement are subject to completion in conformity with this Bond Resolution. The Mayor and the Clerk, and each of them, is hereby authorized to execute and deliver said Mortgage and Indenture of Trust and Lease Agreement in substantially the form of said document before this Common Council, on behalf of the City, with such changes therein as such officials with the advise of counsel may determine, as conclusively evidenced by his execution thereof, to be advisable and in the best interests of the City and in conformance with this Bond Resolution.

SECTION 10. Prior Proceedings. All action taken by the Commission in connection with the Project is, to the extent not inconsistent with the Bond Resolution, ratified and confirmed and incorporated herein.

SECTION 11. Recognition of New Legislation. It is hereby recognized that pursuant to Senate Enrolled Act No. 325, the Act became effective upon its approval by the Governor on April 23, 1973, and that pursuant to Section 3 of said Act No. 325, the Commission created by Special Ordinance No. S-19-72 of the City continues with the powers and duties of a "development commission" under the Act.

SECTION 12. Effective Date. This Bond Resolution shall be in full force and effect immediately upon its adoption by the Common Council and approval by the Mayor.


Councilman

APPROVED AS TO FORM
AND LEGALITY, _____



Read the first time in full and on motion by V. Schmidt seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 10-12-76

Charles W. Wintermann
CITY CLERK

Read the third time in full and on motion by V. Schmidt seconded by Hinga, and duly adopted, placed on its passage.

PASSED ~~(LOST)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>8</u>	<u>0</u>		<u>1</u>	
BURNS	<u>✓</u>				
HINGA	<u>✓</u>				
HUNTER	<u>✓</u>				
MOSES	<u>✓</u>				
NUCKOLS				<u>A</u>	
SCHMIDT, D.	<u>✓</u>				
SCHIMDT, V.	<u>✓</u>				
STIER	<u>✓</u>				
TALARICO	<u>✓</u>				

DATE: 10-26-76

Charles W. Wintermann
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No B-81-76 on the 26th day of Oct., 1976.

ATTEST: (SEAL)

Charles W. Wintermann
CITY CLERK

James Stiller
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of Oct., 1976, at the hour of 11:00 o'clock A.M., E.S.T.

Charles W. Wintermann
CITY CLERK

Approved and signed by me this 27th day of October, 1976, at the hour of 6:00 o'clock _____ E.S.T.

Robert Armstrong
MAYOR

Bill No. R-76-10-04

REPORT OF THE COMMITTEE ON FINANCE

We, your Committee on Finance to whom was referred an Ordinance

authorizing the issuance and sale of \$800,000 Economic Development First

Mortgage Revenue Bonds, (Mullinix Packages, Inc. Project) of the City of Fort

Wayne, Indiana, for the purpose of acquiring by purchase and construction real

estate, machinery, equipment and related property comprising economic

development facilities for lease with options to purchase to Mullinix Packages, Inc.

authorizing the execution of the Lease Agreement; providing for the pledge

of revenues for the payment of said Bonds; authorizing a Mortgage and Indenture

of Trust appropriate for the protection and disposition of such revenues; and

authorizing the sale of said bonds.

have had said Ordinance under consideration and beg leave to report back to the Common

Council that said Ordinance hls PASS.

Vivian G. Schmidt - Chairman

William T. Hinga - Vice-Chairman

Winfield C. Moses, Jr.

John Nuckols

Samuel J. Talarico

Vivian G. Schmidt
William T. Hinga
Win Moses Jr.

10-26-76
DATE

CONCURRED IN

CHARLES W. WESTERMAN, CLERK

DIGEST SHEETResolution87-76-10-04

Ordinance Authorizing The City of Fort Wayne To Issue Its
TITLE OF ORDINANCE "Economic Development First Mortgage Revenue Bonds"
(Mullinix Packages, Inc. Project)

DEPARTMENT REQUESTING ORDINANCE Economic Development Commission

Resolution
SYNOPSIS OF ORDINANCE Ordinance will authorize City of Fort Wayne to

issue its Economic Development First Mortgage Revenue Bonds (Mullinix
Packages, Inc. Project) in the amount of \$800,000.00 for the purpose
of procuring funds to pay the costs of acquisition, construction,
and equipping of economic development facilities and for lease of
same to Mullinix Packages, Inc.

EFFECT OF PASSAGE will authorize financing of economic development
facilities.

EFFECT OF NON-PASSAGE economic development facilities will be not
be financed.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) no costs to or
expenditures by the City of Fort Wayne

ASSIGNED TO COMMITTEE (PRESIDENT) _____

J. [Signature]